

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
June 12, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan, Jim Hanselman, Gary East, John Updike, and Marjorie Blom.

Planning Commissioners Absent: Bob Berman, and Braulio Escobar (*both excused*).

PC Citizens Advisory Committee Members Absent: Dustin Capri, and Greg Sutton.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Presentation on Update to Yaquina Bay Estuary Management Plan.** Tokos introduced Meg Reed, the Coastal Policy Specialist with the Oregon Department of Land Conservation Development. Reed gave an overview of the process to update the Yaquina Bay Estuary Management Plan since 2021. She reviewed the coastal goals and how they were implemented on the landscape of Oregon and Newport. Reed noted that Goal 16 required all estuaries had to have an estuary management plan. There were three types of classifications of estuaries, which included natural, conservation or development. Yaquina Bay was a development estuary. There were three levels of development in these types of estuaries. These levels were about what kinds of permissible uses and activities were allowed, based on sort of the inventory of resources within the area and how it had been historically used. Reed reported that Yaquina Bay could have all three types of management units because it was a development estuary.

Reed covered the Yaquina Bay Estuary Management Plan, noting that each estuary had rules on what was allowed, not allowed, or conditional. The current plan was adopted in 1982 and why they needed to review and update it.

Reed covered the modernization support for a Yaquina Bay Estuary Management Plan update. She noted they were awarded a special merit funding for the update. Reed listed the ways they received support to update the plan; the regulatory extent of estuaries; and all the management units on the Yaquina Bay.

Reed talked about the modernization objectives for Yaquina Bay. Branigan asked if the climate change noted was what was occurring currently or in the future. Reed explained it was the anticipation of potential impacts. The main change was called the Impact Assessment that would include all the normal things that would be happening and with the addition of climate vulnerabilities in the estuary. Branigan asked if it took into account large natural disasters. Reed explained the tsunami layer was a map of the inventories and was there to be used in individual permit applications. She didn't know if

it was taking into account what Branigan was asking. They had used the maps to the extent that they had the data for.

Reed reviewed the timeline of how they had been working on the updates. She then covered the process to do the updates; the updated inventories and maps; and the proposed revisions in 2023. She noted that the biggest change was to the data. They changed the permitted use matrix to the Estuary Zone Districts, and the boundaries of specific areas. Reed explained that the updates included changes to maps, language, implementation approach, updates to certain management units, climate change, and adaptive management.

Reed reviewed the full plan table of contents and how things were updated or removed with the process. She went back to the timeline and noted the Commission would be coming into the process next for the formal review and adoption process. Reed noted that if the Commission wanted updates, they could share them with her.

Hanselman noted that the updates were done by governmental agencies and a few private businesses. He didn't see any representation by sportsman groups and thought that was a mistake. Hanselman didn't think that the government spoke for the fishermen. He wasn't happy with the dredging schedule because how one of the iconic species in the bay was being affected by dredging. It seemed to him like the group was ignoring the issues in the bay. Hanselman was disappointed that the advisory group was mainly government officials and didn't include people who used the estuary. Reed would reach out to the advisory committee to see if they invited the fishermen, or if it was an oversight. She noted they still had time to reach out to different groups to talk about the impacts. For the dredging part, this would be a marine spatial planning tool for the most part, and it was the permits that would give a yes or no to dredge timing. The other agencies had the regulations that were outside of the scope of this plan. Hanselman thought as management, they should take into account the organisms that lived there and how they would be negatively impacted by the drain. He didn't think this had been a consideration.

- B. HB 3414 Requiring Adjustments to Land Use Standards.** Tokos reviewed components of the HB 3414-18 housing bill amendments. The bill, introduced at the Governor's request, would seek to promote the construction of housing by requiring cities approve adjustments (previously termed variances) to land use regulations requested by residential developers. The legislation also stood up for a Housing Accountability and Production Office to assist local governments in complying with housing laws and to enforce against them when they are not being followed.

Tokos discussed how the key pieces of the adjustment were for setbacks; a limitation of the number of adjustments per application to just 10; landscaping in common areas; parking minimums; minimum and maximum lots sizes, lot width and depth requirements; bicycle parking; lot coverage and building heights. The Commission would need to put some thought into how they would tackle these. Tokos noted that if this was adopted, the city wouldn't be able to hold to the exterior treatment requirements when it came to residential for Nye Beach. Hanselman noted that towns would often create a historical district in order to protect this. Tokos explained how attorneys who represented historic districts argued that they should be exempt from this. It didn't get included and the districts wouldn't be protected.

Branigan asked who was behind this legislature. Tokos noted Newport didn't lead this and wasn't the driver of the deficiency housing unit statewide. The ones that were driving this were affluent metro jurisdictions that were having to take on additional density affordable housing. The governor stated that the housing crisis was a state of emergency, and developers were saying that if they got rid of the red tape, they would be able to get more units on the ground.

Tokos reported the legislature also designed the Housing Accountability Office that would be the gatekeeper on complaints if developers were feeling that local jurisdictions weren't following the housing laws. They would be the office to submit complaints or issues. Tokos noted that before they talked about implementing changes to Newport's code from the Housing Productions Strategy, they needed to understand that this legislature, if adopted, could influence how Newport tackled certain things.

Blom asked if infrastructure had been discussed. Tokos reported it wasn't the target of this legislature, even though infrastructure was a major impediment to housing development. He noted that room taxes were also being limited by the legislature on how the city could use them.

Hanselman asked if the changes were saying that if developers asked for adjustments, the city would have to approve them. Tokos said on a staff level they could deny them, but only in the limited circumstances provided in the bill. He pointed out that fire life and safety issues might come into play to help justify having limitations.

Hanselman asked what "building heights transitional requirements" meant. Tokos explained this was to prevent very large buildings to be right next to very small ones, unless there was a transition from a high density to a lower density area. This would keep somebody's house from being entirely shadowed by a brand new development.

Urdike asked if they considered dialing back some incentives, would they run the risk of groups saying the developments weren't consistent with the plan. Tokos didn't think the legislature was in a position where they could compel local government to provide financial incentives on a project that were inconsistent with the local government policies and rules. Tokos thought they could push local governments to provide those subsidies, but they couldn't compel it.

Hanselman didn't think this would lead to affordable housing. Building taller and covering more of a lot would add to the cost of construction because costs were based on square footage. Tokos thought the legislature was struggling to come up with a coherent strategy, which would certainly impact local governments.

Blom asked how much longer of a process would this be. Tokos said once the State Senate convened, they would expect to see a deluge of bills coming through in a short window of time. Hanselman asked how the local representatives stood on this. Tokos reported the City Council shared the same comments on the letter with State Representatives Gombert and Anderson, and they knew where the Council stood.

C. Discuss Scope of Land Use Amendments to Facilitate Needed Housing (An HPS Recommendation). Tokos reviewed the areas the city could look for amendments based on the housing production strategy. He then reviewed the bullet list of what the Commission should look at. Tokos asked the Commission if they had additional items they should be looking at.

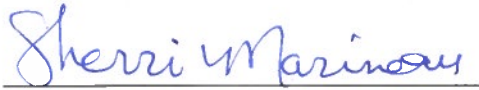
Urdike noted this was what they had reviewed in prior discussions and thought it looked right. Tokos reported that once the legislative session was done, they could pull this into the package of code changes. Urdike asked if the goal was to get the changes done in 2024. Tokos said that was correct.

2. Unfinished Business.

A. **Planning Commission Work Program Update.** No discussion was heard.

3. **Adjourn.** The meeting adjourned at 6:52 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant